

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA,

**Case No. 8:03-CR-77-T-30TBM**

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

\_\_\_\_\_ /

**MOTION OF SAMI AMIN AL-ARIAN FOR LEAVE  
TO RESPOND TO GOVERNMENT’S RESPONSE TO  
DEFENDANT’S MOTION TO SUPPRESS**

COMES NOW the Accused, Dr. Sami Amin Al-Arian, by and through undersigned counsel, pursuant to Local Rule 3.01 (b), and hereby moves this Honorable Court for the entry of an Order permitting the Accused to file a responsive pleading to the Government’s 49 page response to our suppression motion. The grounds for this motion necessarily reference the Accused’s Motion to Suppress and are as follows:

1. The Government has filed a disappointing 49-page response, which, after one labors through the sadly predictable and pejorative language we have come to expect from this U. S. Attorney, contains numerous legal and factual assertions, which require a response.
2. As an example, the government’s edited characterization of the record involving Dr. Al-Arian’s former counsel, (See Doc. 841, pps 3-4)) and its presentation to this Court is troublesome and misrepresents the substantive proceedings.

3. The Accused should be allowed an opportunity to further brief the legal authority the government has cited in its response in order to give this Court a more comprehensive analysis of the issues.
4. The Government has also requested this Court hold no evidentiary hearing. However, a majority of their response offers simply a regurgitation of the affidavits in question, with the government's simplistic evaluation of its legitimacy.

“Agent West explained what he knew and how he knew it.” Doc. ,  
Page 22.

5. The very nature of the government's response requires an evidentiary hearing in order for this Court to accurately determine the credibility of the affiants and the legitimacy of their probable cause assertions.
6. The suppression issues at stake here go to the heart of the Accused's Fourth Amendment rights and must be carefully briefed to maintain the integrity of this process.
7. The Defense requests an additional 10 days to file a reply to the government's response until January 24, 2005.

WHEREFORE, for the foregoing reasons, the Accused's Motion for Leave to Respond to the Government should be granted.

Dated: 11 January 2005

Respectfully submitted,

/s/ Linda Moreno  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th November, 2005, a true and correct copy of the foregoing has been furnished, by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Kevin Beck, Assistant Federal Public Defender, M. Allison Guagliardo, Assistant Federal Public Defender, counsel for Hatim Fariz; Bruce Howie, Counsel for Ghassan Ballut, and to Stephen N. Bernstein, P.O. Box 1642, Gainesville, Florida 32602, counsel for Sameeh Hammoudeh.

/s/ Linda Moreno  
Linda Moreno  
Attorney for Sami Al-Arian